



DOCKET: CU-3244

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert M. Solberg

Serial No.: 10/725,770

Group Art Unit:

Filed: December 2, 2003

Examiner:

For: Hosta Plant Named 'Orange Marmalade'

Certification under 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with The United States Postal Service with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, on February 6, 2004.


W. Dennis Drehkoff, Reg. No. 27193

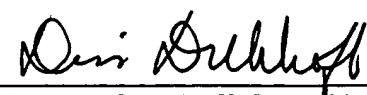
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE
MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION**

Sir:

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of the first Office Action on the merits, whichever event occurs last. 37 CFR 1.97(b).

February 6, 2004


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INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith patents, publications or other information of which the applicants are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose under 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

The references submitted herein are listed on PTO-1449 form (modified) enclosed herewith. A copy of each non-patent reference listed is being furnished except any duplicate or cumulative non-patent publications specified otherwise.

A translation of any foreign language reference, if any, is indicated in PTO-1449 form and being submitted herein if it is readily available. Otherwise it should be construed that such translation is not readily available.

Additional comments, if any, on the relevance of each reference listed are provided as follows:

The Statement is made on the basis of the information:

 X supplied by the inventor(s);
_____ supplied by an individual associated with the filing and prosecution
of this application (37 CFR 1.56(c)); or
_____ in the attorney's file.

Respectfully submitted,

February 6, 2004



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Form PTO-1449 (Modified)

In re: INFORMATION DISCLOSURE STATEMENT BY APPLICANT (37 CFR 1.98(b))	ATTY. DOCKET NO. CU-3244 APPLICANT Robert M. Solberg FILING DATE December 2, 2003	SERIAL NO. 10/725,770 GROUP
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U.S. PATENT DOCUMENTS

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

OTHER DOCUMENTS (Including Author, Title, Date, Place of publication)

		<p>This and That: 2001, The Hosta Journal, Volume 32, No. 2, pages 73-81, see pages 77 and 78</p> <p>This and That: 2002, The Hosta Journal, Volume 33, No. 3, pages 66-70, see page 66.</p> <p>What's in a Hosta Name? Part XXX, 2003, The Hosta Journal, Volume 34, No. 1, pages 42-49, see page 47</p>
EXAMINER	DATE CONSIDERED	

(Form PTO-1449)